

ORDINANCE NO. 20060126-019

**AN ORDINANCE ADOPTING A REGULATORY PLAN FOR AN AREA
ANNEXED FOR LIMITED PURPOSES, REFERRED TO AS THE
SCARBROUGH SUBDIVISION AREA.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds that:

- (A) The area referred to as the Scarbrough Subdivision Area is being annexed by Ordinance No. 20060126-018, for the limited purposes of planning and zoning, and a Planning Study and Regulatory Plan for the area were prepared as required by state law.
- (B) The Regulatory Plan included in Exhibit A attached to this ordinance serves the public health, safety and welfare, and the interests of the current and future residents of the City of Austin.

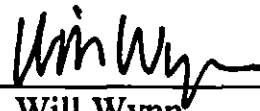
PART 2. The Regulatory Plan included in Exhibit A attached to this ordinance is approved as the Regulatory Plan for the Scarbrough Subdivision Area limited purpose annexation area.

PART 3. This ordinance takes effect on February 6, 2006.

PASSED AND APPROVED

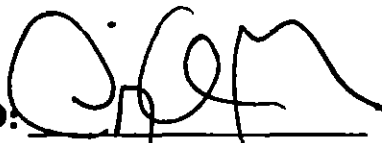
_____, January 26, 2006

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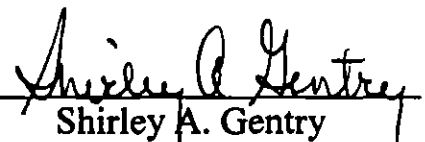
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

EXHIBIT A



Scarbrough Subdivision

Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background

The owners of the Scarbrough Subdivision have petitioned the City to annex the property for limited purposes pursuant to Sec. 43.129 of the Texas Local Government Code.

As part of their request for limited purpose annexation, the owners have waived the requirement of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation.

Scarbrough Subdivision is proposed for annexation for the limited purposes of planning and zoning.

Area Description

The proposed annexation area covers approximately 46 acres in Travis County west of the intersection of IH 35 North and Three Points Drive between Bratton Lane. The area is part of a larger tract that is partially in the City's limited purpose jurisdiction (annexed 9/13/84) and partially in the City's ETJ.

The proposed annexation area is currently undeveloped.

Projected Ten Year Development With and Without Annexation

The annexation area includes portions of the platted Scarbrough Subdivision (C8-00-2052.0A) with an approved site plan, Scarbrough Business Park (SP-01-0039D). A LI zoning case (C14-05-0169) has been submitted for this site and includes the following proposed uses: warehouse/office/industrial/retail.

Given market forces, it is reasonable to assume that development of approximately same density and intensity of use as the development proposal provided to the City will be built on the tract irrespective of whether or not it is annexed.

If annexed, the property will be developed in accordance with the City's zoning and site development standards.

Issues Supporting Annexation

The area must be annexed for limited purposes prior to final approval of the proposed LI zoning case.

Public Benefit from the Annexation

Limited purpose annexation and zoning will result in higher quality development than would otherwise occur.

The Economic, Environmental and other Impacts of the Proposed Annexation on Residents, Landowners Businesses and in the Proposed Annexation Area

Limited purpose annexation with a future conversion to full purpose status will be of economic benefit to the owners of the property. Currently, there are no residents in the proposed annexation area. There is no business activity in the proposed annexation area.

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the Scarborough Subdivision by requiring higher quality development than would otherwise occur.

The proposed limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with the City's zoning and Title 30 development standards.

Proposed Zoning for the Area

The area will be zoned in accordance with the procedures required by state law and Title 25 of the Code of the City of Austin (the Land Development Code).

From the effective date of the limited purpose annexation until the property is zoned, the area will be treated for development purposes in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code.

Comments regarding the proposed zoning will be considered at the public hearings for the proposed limited purpose annexation.

Regulatory Plan

Development Regulations

Annexation of the area for the limited purposes of planning and zoning will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the area. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development Code including Title 30 Austin/Travis County Subdivision Regulations and related technical manuals, and all rules adopted pursuant thereto.

Future Full Purpose Annexation

The owners of Scarborough Subdivision have waived the requirements of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation.

Full purpose annexation for areas for which a final plat has been recorded may take place at any time after December 31, 2005. The property owner's letter requesting annexation is attached to this Regulatory Plan as Exhibit 1.

The Honorable Will Wynn, Mayor
And Members of the City Council
C/o Virginia Collier
Department of Transportation & Sustainability Department
Sustainability Division
P.O. Box 1088
Austin, TX 78767

**RE: Owner's Petition for Limited and Full Purpose Annexation of
Scarborough Business Park**

Dear Mayor Wynn:

Pursuant to §43.129 of the Texas Local Government Code, the undersigned owner ("the Owner") of the approximately 67.311 acres of land commonly known as Scarborough Business Park, which land is further described in Exhibit A ("Project"), does hereby petition the City of Austin ("City"), Texas to annex the Project for the limited purposes of planning and zoning.

Further, pursuant to §43.127 (a) of the Texas Local Government Code, owner hereby waives the City's obligation to annex the land described in Exhibit A for full purposes within three years of the date of limited purpose annexation and instead request and authorize the City to annex the land described in Exhibit A for full purposes according to the following schedule:

1. Beginning December 31, 2005, full purpose annexation of any portion of the land described in Exhibit A for which a final plat has been duly recorded in the Plat Records of Travis County, Texas and any land described in Exhibit A determined to be necessary, in the City's sole discretion, to establish contiguity between the platted land and the existing full purpose corporate limits.
2. Full purpose annexation of additional areas within the land described in Exhibit A for which a final plat has been duly recorded in the Plat Records of Travis County, Texas (and including any land necessary to establish contiguity with the full purpose corporate limits) effective on or before December 31st of each year thereafter until December 21, 2013, at which time all remaining portions of the land described in Exhibit A not previously annexed for full purposes may be annexed for full purposes.

**LIT INDUSTRIAL TEXAS LIMITED
PARTNERSHIP, a Delaware limited partnership**

By: LIT-FTGP, L.L. C., a Delaware limited liability company, its general partner

By: LIT Industrial Limited Partnership, a Delaware limited partnership, its sole member

By: LIT Holdings GP, LLC, a Delaware limited liability company, its sole general partner

By: Lion Industrial Properties, L.P., a Delaware limited partnership, its sole member

By: LIT GP Sub, LLC, a Delaware limited liability company, its sole general partner

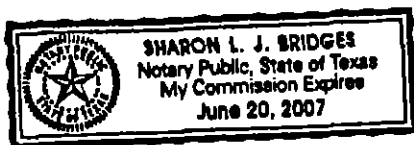
By: Lion Industrial Trust, a Maryland real estate investment trust, its sole member and manager

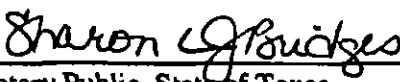
By: 
Name:: Jeanna Camp
Title: Vice President

THE STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 31st day of Aug, 2005, by Jeanna Camp, Vice President of LIT Industrial Texas Limited Partnership, a Delaware corporation on behalf LIT-FTGP, L.L.C., a Delaware limited liability company, its general partner on behalf of LIT Industrial Limited Partnership, a Delaware limited partnership, its sole member on behalf of LIT Holdings GP, L.L.C., a Delaware limited liability company, its sole general partner on behalf of Lion Industrial Properties, L.P., a Delaware limited partnership, its sole member on behalf of LIT GP Sub, L.L.C., a Delaware limited liability company, its sole general partner on behalf of Lion Industrial Trust, a Maryland real estate investment trust, its sole member and manager, on behalf of said partnership.




Notary Public, State of Texas